

Congress of the United States
Washington, DC 20515

February 27, 2020

The President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

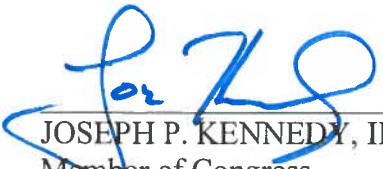
We write in strong opposition to your purported “faith-based” regulations recently announced, as these nine proposed rules would promise to strip religious freedom protections from beneficiaries served in federally funded social service programs. These rules would impact the most vulnerable among us and put some in the untenable position of having to choose between retaining their personal beliefs or accessing critical services. Furthermore, we are troubled by your administration’s repeated misapplication of the Religious Freedom Restoration Act (RFRA) in order to achieve these goals. Therefore, we call on you to revoke these harmful proposals and to end your administration’s repeated misapplication of the RFRA law.

The proposed rules represent a dangerous step back for religious freedom, reversing policies that were carefully crafted in close coordination with a diverse set of stakeholders engaged in faith-based and community-based organization work. The proposals would rescind existing requirements that beneficiaries be provided with written notice of their rights and be made aware of the existence of alternative organizations. Leaving beneficiaries uninformed runs the risk of leaving their rights unexercised or violated, and could deter them from seeking critical services altogether. Additionally, the proposed rules would expand exemptions from Title IX protections through which schools may claim a religious right to discriminate, adversely impacting countless students. If adopted, students could suffer grave consequences, including but not limited to expulsion, for becoming pregnant, seeking reproductive care, or for just being LGBTQ.


In addition, we are deeply disturbed these harmful proposals repeatedly cite RFRA as a legal justification upon which these policies are being promulgated. RFRA was enacted in 1993 with overwhelming bipartisan support to protect, not undermine, civil rights. Unfortunately, today, RFRA has been twisted from its original intent by allowing the religious convictions of one to undermine the civil and legal rights of another. As examples, in July 2018, your administration issued a memorandum to all federal agencies and Departments misinterpreting RFRA to permit employers that use their religious beliefs to discriminate in employment practices. In May 2019, your administration cited RFRA to roll back the Affordable Care Act’s Health Care Rights Law and allow discrimination in health care due to an individual’s gender identity or reproductive health care decisions. In November 2019, your administration issued a proposed rule, again citing RFRA, that would make it easier for child placement agencies to reject religious minorities and LGBTQ couples.

The transformation of RFRA from a shield of protection to a sword of infringement is unacceptable. We introduced the Do No Harm Act precisely to clarify that religious freedom exemptions cannot be used to harm or discriminate against others. While RFRA was originally enacted to protect the civil rights of all Americans, your proposed rules, if adopted, would continue your administration's policy of distorting the congressional intent behind the law in order to permit religious exemptions from laws at the expense of the dignity of another. We call on you to rescind your harmful proposed rules immediately and to cease your blatant misapplication of the RFRA law.

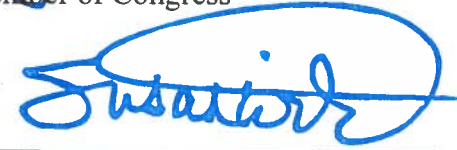
Sincerely,



JOSEPH P. KENNEDY, III
Member of Congress



ROBERT C. "BOBBY" SCOTT
Member of Congress



SUSAN WILD
Member of Congress




ELEANOR HOLMES NORTON
Member of Congress



PETER A. DEFAZIO
Member of Congress



JAHANA HAYES
Member of Congress




PETER WELCH
Member of Congress



ALAN LOWENTHAL
Member of Congress




SHEILA JACKSON LEE
Member of Congress



AYANNA PRESSLEY
Member of Congress



JARED HUFFMAN
Member of Congress



RAUL M. GRIJALVA
Member of Congress



DEB HAALAND
Member of Congress



MARK POCAN
Member of Congress



MARK DESAULNIER
Member of Congress



SEAN CASTEN
Member of Congress